

Notice of Allowability

Application No.

09/853,954

Examiner

Nguyen T Vo

Applicant(s)

ARSENAULT ET AL.

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendment filed 04/08/2005.
2. ☒ The allowed claim(s) is/are 43-68.
3. ☒ The drawings filed on 10 May 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance:

Regarding independent claims 43, 51, 57, 63 and 67, Anderson (5,797,083) discloses a self-aligning satellite receiver antenna for automatically aligning the antenna based on the received signal strength (see abstract). Hirschfield (5,826,170) discloses generating a signal which is a difference between an in-band received signal and an out-of-band received signal in order to represent a signal quality in a satellite communication system (see column 6 lines 3-28). Muto (5,630,218) discloses using a plurality of filters to detect the received signal strength (see figures 1-4). However, the above cited prior art, either alone or in combination, fails to disclose a bypass circuit and a comparison circuit as specified in independent claim 43; a first filter and a comparison block as specified in independent claims 51 and 63 and 67; a first filter, a second filter, a third filter and a comparison block as specified in independent claim 57.

It is also noted that double patenting rejection to claims 43-68 does not appropriate over the claims of the US Patents No. 6,029,044 and 6,727,313. The claims of the US Patents No. 6,029,044 and 6,727,313 fail to disclose a bypass circuit that is adapted to be coupled between the antenna and the integrated receiver decoder to convey a first portion of the broadcast signal from the antenna to the integrated receiver decoder as recited in independent claim 43; a first filter having a passband center frequency between a first transponder center frequency of a first transponder band and a second transponder center frequency of a second transponder band that overlaps the first transponder band as recited in independent claims 51 and 67; a first

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filter having a passband center frequency between a first transponder center frequency of a first transponder band and a second transponder center frequency of a second transponder band different from the first transponder band as recited in independent claim 63; a first filter, a second filter and a third filter as recited in independent claim 57.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nguyen T Vo whose telephone number is (571) 272-7901. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571)272-7899. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


6/11/2005

NGUYEN T. VO
PRIMARY EXAMINER